

Notice of Allowability

Application No.

09/367,543

Examiner

Sow-Fun Hon

Applicant(s)

MIROSHIN ET AL.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/19/03.
2. ☒ The allowed claim(s) is/are 173-192, renumbered 1-20.
3. ☒ The drawings filed on 16 August 1999 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 02/03/04.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Art Unit: 1772

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Victor Balancia's Associate, Paul Dietze on 02/03/2004.

The application has been amended as follows:

2. Claims 1-172 are cancelled.
3. In the specification, filed 04/21/2000, Page 1 of the specification (Page 2 as scanned), above "Field of the Invention", insert - - This application is a 371 of PCT/RU98/00415 filed 12/15/1998, and claims priority from Russian Federation applications: No. 98104984, filed 03/16/1998, No. 98104867, filed 03/02/1998, No. 98103710, filed 02/24/1998, No. 98103709, filed 02/24/1998, No. 98103736, filed 02/24/1998, No. 98103743, filed 02/24/1998, No. 98101616, filed 01/12/1998, No. 97121028, filed 12/16/1997. - -
4. In the claims section filed 12/19/2003:
 - a. Claim 173, line 91 (page 4), after "at least", delete "of".
 - b. Claim 183, line 73 (page 8), after "at least", delete "of".
5. In the abstract, filed 08/16/1999, delete lines 1 - 4 (the first paragraph).
6. The abstract was shortened to 150 words or less.
7. The following is an examiner's statement of reasons for allowance:

Art Unit: 1772

The closest cited prior art of record, US 5,739,296 fails to teach even in combination with US 5,712,024 and WO 95/17691, that the thickness of the birefringent and anisotropically absorbing dye layer is such that an output of the polarizer coincides with an interference extremum of a linearly-polarized light component, and

- a. That the birefringent and anisotropically absorbing layer has a first refractive index that increases as the polarizable light wavelength increases, in direct proportion to the polarizable light wavelength, at least for a certain range of wavelengths; or
- b. That the birefringent and anisotropically absorbing layer has a first refractive index that has a maximal value of at least 1.9, and increases as the polarizable light wavelength increases, at least for a certain range of wavelengths.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication should be directed to Sow-Fun Hon whose telephone number is (571)272-1492. The examiner can normally be reached Monday to Friday from 9:00 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon, can be reached at (571)272-1498. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications

Application/Control Number: 09/367,543

Page 4


Art Unit: 1772

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

871

Sow-Fun Hon

02/04/04


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

2/6/04